THE
Dan Smoot Report

Vol. 16, No. 11 (Broadcast 760) March 16, 1970 Dallas, Texas

DAN SMOOT

EQUAL TYRANNY IS STILL TYRANNY

Federal courts have approved freedom-of-choice plans for desegregating public schools in the north. But on October 29, 1969, the Supreme Court said the same kind of plan could not be tolerated in Mississippi. The court ordered instant desegregation of all schools in 33 districts of southern Mississippi.[1]

This would require busing children out of their neighborhoods to achieve racial balance — which the 1964 Civil Rights Act prohibits. President Nixon expressed sympathy for the "practical and human problems" created by the court order, but said he would enforce it.[1]

Throughout Mississippi, where whites are in the minority, white students boycotted public schools and attended hastily-created private schools.[2] On January 13, 1970, a three-judge federal court in Washington, D. C., enjoined the Internal Revenue Service against granting tax exemption to the new, all-white, private schools in Mississippi.[3] The court said nothing about all-white and all-Negro private schools that enjoy federal tax exemption in other states.

Under the Tax Code, a non-profit organization is exempt from federal taxes if it is operated exclusively for religious, charitable, scientific, literary, or educational purposes, provided only that it stay out of lobbying and politics.[3] Approximately 100,000 organizations enjoy exemption from federal taxes under this code.[4] They include groups that are all Negro, all white, all Christian, all Jew.

Many of them violate the law. Consider, for example, the National Education Association (NEA), which has tax exemption as an "educational" organization. On January 28, 1970, NEA president George D. Fischer said the NEA "had the most massive lobbying drive in history" working for pressures on Congress to pass the HEW-appropriations bill over President Nixon's veto. The drive failed. Fischer said:

"We want to beat five or ten Congressmen who switched their vote on the HEW veto.

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

Copyright by Dan Smoot, 1970. Second Class mail privilege authorized at Dallas, Texas.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"We will use them as an example. We will put the fear of God in politicians all over the country.

"We plan to make it political suicide to vote against the kids and education."[5]

The NEA boasts of its violation of the Tax Code which gives it tax exemption, but no move is made to revoke its exemption. The federal court action against the Mississippi schools was not based on, or did not allege, a violation of the Tax Code or any other law. It was a *punitive* decision against Mississippi whites for trying to protect their children from forced integration in public schools.[6]

In August, 1969, the Nixon Justice Department filed suit to force, in *all* Georgia public schools, integration pleasing to the Nixon administration.[7]

On December 17, 1969, a three-judge *federal* court in Atlanta ordered Georgia to stop giving *state* funds to school districts which had not filed desegregation plans by March, 1970, saying the plans must guarantee that 75% of all Georgia Negro students will be enrolled in schools with whites.[8]

The U. S. Fifth Circuit Court of Appeals ruled that each Atlanta public school must have the same ratio of black to white teachers as in the whole school system — 57 black to 43 white.[9]

In December, 1969, the U. S. Fifth Circuit Court of Appeals also ruled that 14 school districts in Alabama, Florida, Georgia, Louisiana, and Mississippi must achieve total desegregation — saying, however, this did not have to be done instantly, in the middle of a school year, but could be delayed until September, 1970. Agitators appealed to the Supreme Court, demanding that the 14 southern districts be ordered to desegregate *now*.[10]

On December 31, 1969, Nixon's Justice Department asked the Supreme Court to set a uniform deadline for all schools in the south to desegregate, and promised to use the full power of the federal government to enforce the deadline. The Justice Department promised lawsuits "against individual systems, groups of systems, or states and state officials, as appropriate to bring remaining school districts" into compliance with court orders.[10]

Seeing what was coming, parents throughout the five southern states held mass rallies, pleaded with their representatives in Congress, and sent telegrams to President Nixon and to U. S. Supreme Court justices.

It was to no avail. On January 14, 1970, the Supreme Court refused to allow the 14 school districts in five southern states to delay integration until September, 1970, ordering them to achieve total desegregation of student bodies (numbering about 300,000 children) and faculties — by February 1. The U. S. Fifth Circuit Court of Appeals thereupon decreed that the same deadline would be applied in 17 additional districts of the five southern states.[11]

On January 19, 1970, Florida Governor Claude Kirk filed a motion with the Supreme Court, asking for delay of the order until September, 1970, saying Florida was "financially and physically unable" to comply by February 1.[12]

Alabama, Florida, and Mississippi all filed suits in the Supreme Court, asking that federal school desegregation standards be applied equally in all states.[13] The Supreme Court refused to hear any of them.[14]

Governor Lester Maddox and the Georgia board of education filed suit in a *federal district court* in Washington, D. C., asking that freedom of choice be allowed in the south as in the north, or that the same desegregation rules applied in the south be applied in other states.[14] The district court has not yet handled the Georgia case.

On January 31, Governor Kirk issued an executive order prohibiting school officials in two Florida counties from taking action to comply with the Supreme Court's orders for total desegregation by February 1. The president of the Florida chapter of the NAACP said NAACP

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lawyers would try to have Governor Kirk put in jail if he tried to enforce his order.[15] On February 9, 1970, Assistant U. S. Attorney General Jerris Leonard, interviewed by a television reporter in Chicago, was quoted as saying southern governors should be put in jail for encouraging resistance to school-integration orders of federal courts. Later, Leonard denied that he had recommended jailing southern governors. He said he had merely warned that persons "who violate or interfere with" court-ordered school desegregation "run a terrible risk of involvment" with the federal government.[16]

Federal courts have approved a 1969 New York state law which orders freedom-of-choice plans to achieve desegregation of public schools, but prohibits busing of students to achieve racial balance. In February, 1970, Alabama, Florida, Georgia, Louisiana, and Mississippi passed laws patterned on the New York law.

On February 17, public schools in Houston County, Georgia, were closed temporarily while officials sought a way to implement a federal plan requiring busing of some 3500 students and transfers of 130 teachers to achieve racial balance. On February 23, the Georgia anti-busing law[24] (identical with the New York law already approved by federal courts) went into effect. On February 25, a federal judge in Atlanta ordered Houston County schools reopened immediately, with the federal racial-balance plan implemented, in defiance of the new Georgia law.[25]

Meanwhile, the federal Congress was considering a $19.3 billion health-education-labor-welfare appropriations bill, to replace the $19.7 billion bill that President Nixon had vetoed as inflationary on January 27.

Senator John Stennis (Mississippi Democrat) proposed an amendment to require uniform enforcement of school desegregation throughout the nation.[17] Nixon's commissioner of education — Dr. James V. Allen — opposed this requirement of nationwide enforcement, while claiming that the Nixon administration is strongly committed to nationwide elimination of school segregation.[18] Senator Abraham Ribicoff (Connecticut Democrat) admitted the "north is guilty of monumental hypocrisy" in acting as if there is more racial segregation in the south than in the north.[17]

On February 12, 1970, Nixon's press secretary said the President wants to "preserve, rather than to destroy, the neighborhood school," and that the President "has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance."[19]

Yet, Nixon has required as much "compulsory busing of school children to achieve racial balance" as any of his predecessors. The Nixon administration has been more aggressive than prior administrations in harassing school systems with court action to force the busing of children — which means, of course, the destruction of neighborhood schools. Nixon's Attorney General boasts that the Nixon administration achieved more school integration in nine months than any other administration ever achieved in a comparable period.[20]

On February 16, President Nixon said he agrees with Senator Stennis that federal enforcement of school desegregation should be uniform throughout the nation. But on February 17, the President reversed himself again by abandoning the Stennis proposal and supporting a proposal by Senator Hugh Scott (Pennsylvania Republican). Scott proposed that school-desegregation be enforced only in areas where schools are "unconstitutionally" segregated.[21] This is meaningless, because federal officials and courts have already called southern school-segregation "unconstitutional," but have refrained from applying the same definition generally to school-segregation elsewhere. Actually, the only thing unconstitutional about school segregation (or integration) is federal involvement. The federal government has no constitutional authority to give aid to local schools, or to order how they shall be run — and neither do the federal courts.

On February 18, the Senate rejected the Nixon-supported Scott proposal, and adopted the Stennis proposal for uniform national enforcement

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of school-desegregation.[22] There was little prospect, however, that the Stennis proposal would remain in the final bill.

There is more real separation of races in the north than in the south.[17] Yet, on "civil rights" matters, the south has been treated like a conquered province, as in the days of reconstruction. Many southerners think that if other areas feel the iron fist the south has felt, others will understand and join resistance against federal tyranny.

This is why many southerners rejoiced when the Senate adopted the Stennis proposal requiring uniform, national desegregation. This is why three southern states tried to intervene, *on the side of integrationists,* in a California court case to force a federal school-desegregation plan on the city of Pasadena.[23]

The southern attitude is understandable; but one cannot eliminate evil by spreading it around, or abolish tyranny by imposing it on others.

Instead of wrangling about enforcement of illegal federal guidelines for schools, Congress should stop all federal aid to education, and reduce federal taxes accordingly. As long as the federal government illegally finances schools, it will illegally dictate school policies.

At present, there is a vigorous movement in the south to create a system of private schools. Instead of trying to meddle in the school affairs of Pasadena, southern politicians should be working to abolish tax-supported schools and giving leadership to the movement for a private-school system — which could be infinitely better, and less expensive, than present government schools.

LATER: More on the school problem.

EXPLANATION

If you did not receive an order placed with us between January 10 and 16, it was probably because mail was stolen from *The Dan Smoot Report* postal box about the middle of January. The thieves were caught, but none of our mail was recovered. Postal Inspectors did a fine job solving this case; but, as might be expected in these strange times, a federal judge let a woman member of the gang go free without posting bond, although she was already under two indictments for mail theft.

If you have not reported non-receipt of an order, please see whether your check has cleared, then let us hear from you.

FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, 1969, pp. 2166-7
(2) *Dallas Morning News*, Jan. 10, 1970, p. D1
(3) AP, Jan. 14, 1970; James J. Kilpatrick syndicated column, Jan. 22, 1970
(4) *Dan Smoot Report*, Nov. 24, 1969
(5) AP, Jan. 29, 1970
(6) David Hawkins, *Dallas Morning News*, Feb. 12, 1970
(7) AP, Dec. 28, 1969
(8) AP, Dec. 18, 1969
(9) *Dallas Morning News*, Jan. 12, 1970, p. A8
(10) AP, Jan. 1, 1970
(11) UPI, Jan. 22, 1970; AP, Feb. 1, 1970
(12) AP, Jan. 19, 1970
(13) *Dallas Times Herald*, Jan. 23, 1970
(14) AP, Feb. 3, 1970
(15) AP, Jan. 31, 1970
(16) AP, Feb. 12, 1970
(17) *Congressional Record*, Feb. 9, 1970
(18) AP, Feb. 11, 1970
(19) *New York Times*, Feb. 13, 1970
(20) New York Times News Service, Dec. 22, 1969
(21) AP, Feb. 18, 1970
(22) *Congressional Record*, Feb. 18, 1970
(23) AP, Feb. 19, 1970
(24) Georgia H.B. 1651
(25) UPI, Feb. 25, 26, 1970

Subscribe Today to The Dan Smoot Report

6 mos. $6.00 — **1 YR. $10.00** — 2 yrs. $18.00

THE DAN SMOOT REPORT
BOX 9538, DALLAS, TEXAS 75214
Telephone: TAylor 1-2303

Send reprints to your friends and suggest they order reprints too.
REPRINTS OF THIS ISSUE (for bulk mailing to one address):

1 copy	$ .25	100 copies	$ 6.50
10 copies	1.00	200 copies	12.00
25 copies	2.00	500 copies	28.00
50 copies	3.50	1000 copies	50.00

Texans Add 4¼% for Sales Tax
(Add 50c for special-handling postage)

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED